

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:12-CV-295-FL

STANLEY ANDREA CLYBURN, JR.,)

Plaintiff,)

v.)

UNITED STATES MARINE CORPS;)
ASHLEY MARIE STEWART; JOHN DOE;)
DAVID S. GIBBS; SGT. MAJOR DOE; 1ST)
SGT. DOE; BIANCA DOE; GEORGIA)
DOE; TAMMY DOE; LANAY JONES; and)
KEVIN BUCKSTON,)

Defendants.)

ORDER

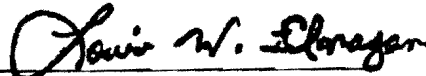
This matter comes before the court for review of plaintiff's *pro se* complaint pursuant to 28 U.S.C. § 1915A. United States Magistrate Judge William A. Webb entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein he recommends that the court dismiss plaintiff's complaint for lack of subject matter jurisdiction. Plaintiff has not filed objections to the M&R, and the time within which to make any objection has expired. In this posture, the matter is ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198,

200 (4th Cir. 1983).

Here, the magistrate judge recommends that plaintiff's complaint be dismissed for lack of subject matter jurisdiction, where diversity jurisdiction is lacking and plaintiff does not state a cognizable federal claim. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff's complaint is DISMISSED for lack of subject matter jurisdiction. The clerk of court is directed to close the case.

SO ORDERED, this the 13 day of August, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Court Judge